

JAM/LHE  
F. #2018R01064

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

MICHAEL COHN

Defendant.

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FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 23 2019 ★

LONG ISLAND OFFICE

~~PROPOSED~~ PROTECTIVE  
ORDER PERTAINING TO  
DISCOVERY MATERIALS AND  
OTHER SENSITIVE  
INFORMATION



Docket No. 19-CR-097 (S-1) (JFB)

IT IS HEREBY ORDERED by the Court, pursuant to Federal Rule of  
Criminal Procedure 16(d), that:

1. Any and all discovery material designated by the government as  
“sensitive discovery material” and produced to the defendant by the government in the  
above-captioned case, and any and all copies, notes, transcripts, documents or other  
information derived or prepared from the sensitive discovery material, may be used by the  
defendant and defense counsel for any purpose consistent with this order in furtherance of  
the representation of the defendant in connection with the above-captioned indictment;

2. Any and all sensitive discovery material produced to the defendant by  
the government and any copies, notes, transcripts, documents or other information derived or  
prepared from the sensitive discovery material shall not be further disseminated by the  
defendant or defense counsel to any individuals, organizations or other entities, other than  
members of the legal staff of and expert witnesses and interpreters retained by defense  
counsel, without further order of the Court;

3. Each of the individuals to whom disclosure is authorized in paragraph 2, that is, members of the legal staff of and expert witnesses and interpreters retained by defense counsel, shall be provided a copy of this Order and will be advised that he or she shall not further disseminate any portion of the sensitive discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the sensitive discovery material except in conformity with this Order;

4. The defendant may review the sensitive discovery material only in the presence of defense counsel or defense counsel's legal staff. The defendant is prohibited from having possession, custody, or control of the sensitive discovery material, except to the extent necessary for the defendant to review the sensitive discovery material in the presence of defense counsel or defense counsel's staff. The defendant is further prohibited from disseminating any sensitive discovery material, and may not take sensitive discovery material, or copies thereof, into any jail facility outside the presence of defense counsel or defense counsel's legal staff, possess sensitive discovery material or copies in any such facility outside the presence of defense counsel or defense counsel's legal staff, or provide information from sensitive discovery material to others.

5. Where the defendant and/or defense counsel wish to disclose any portion of the sensitive discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the sensitive discovery material to any individual to whom disclosure is not authorized by paragraph 2, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

6. None of the sensitive discovery materials nor any copies, notes, transcripts, documents or other information derived or prepared from the sensitive discovery material shall be disseminated to, or discussed with, the media in any form. Nothing in this Order prohibits the media from obtaining copies of any items that become public exhibits at any conference, hearing, trial or other proceeding; where the defendant and/or defense counsel wish to attach any portion of the sensitive discovery material to public filings made with the Court, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

7. The defendant and defense counsel will return to the government the sensitive discovery material and all copies thereof, whether in the possession of the defendant, defense counsel or members of the legal staff of and expert witnesses and interpreters retained by defense counsel, when defense counsel ceases to represent the defendant; and

8. Nothing in this Order shall preclude the defendant from using Sensitive Material at trial.

SO ORDERED

this 23<sup>rd</sup> day of ~~October~~, 2019

S/ JOSEPH F. BIANCO

THE HONORABLE JOSEPH F. BIANCO  
UNITED STATES DISTRICT JUDGE (sitting by designation)  
EASTERN DISTRICT OF NEW YORK

Circuit